EXHIBIT C

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1	Mishandling Campus Rape		
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3	Clare Locke LLP		
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- 1 Brian Lehrer: Today on the Brian Lehrer Show, the thousands of
- 2 New Yorkers who took to the streets last night weren't just
- 3 protesting the death of Michael Brown. We'll talk about the
- 4 fatal police shooting here in New York last week of Akai Gurley
- 5 in a public housing stairwell. Commissioner Bratton has called
- 6 it a tragic accident, an accidental shooting. Protestors aren't
- 7 buying it. Brooklyn Borough President and former police officer
- 8 Eric Adams will be our quest. He's calling for a different kind
- 9 of policing in NYCHA buildings, and we'll talk generally about
- 10 life after the Ferguson non-indictment with Eric Adams today.
- 11 Also today, looking for things to talk about at Thanksgiving
- 12 with your red state relatives? We'll check out Facebook's
- 13 findings about what popular culture liberals and conservatives
- 14 both seem to like, for example, Taylor Swift, the Hunger Games,
- 15 and the Jersey Shore (the place, not the show) are all on the
- 16 list of things you might talk about to break the ice over
- 17 Thanksgiving dinner tomorrow. We'll see what else. And we'll
- 18 share tips for getting to and through LaGuardia, JFK, and Newark
- 19 Airports.
- 20 Julia Louis-Dreyfus: They say no one's ever beaten the Van
- 21 Wyck. But gentlemen, I tell you this: I came as close as anyone
- 22 ever has!
- 23 Brian Lehrer: Elaine knows. We'll see what you know coming up
- 24 later. But first, the big article on campus at Thanksgiving
- 25 Break is Rolling Stone Magazine's investigation of campus rape,

- 1 and it's having an impact. The University of Virginia, have you
- 2 heard this, where the main incident described in the article
- 3 took place, has suspended all fraternity activity until after
- 4 Christmas Break. So we will ask how much is frat culture
- 5 responsible for campus rape? Should UVA ban its frats
- 6 permanently? And what about other schools? Joining us now is
- 7 the writer of the Rolling Stone article, Sabrina Rubin Erdely.
- 8 Sabrina, thank you so much for coming on today. Good morning.
- 9 Sabrina Rubin Erdely: Good morning. Thank you for having me.
- 10 Brian Lehrer: And also with us is Jed Rubenfeld, Yale law
- 11 professor who had an opinion piece in the New York Times last
- 12 week called "Mishandling Rape." Jed, welcome back to WNYC.
- 13 Jed Rubenstein: Hi, thanks.
- 14 Brian Lehrer: And Jed, be patient for a few minutes while we
- 15 get some of the basics on the table here for listeners who
- 16 haven't read the Rolling Stone article, and Sabrina, first, I
- just have to acknowledge out loud the shocking brutality of the
- 18 fraternity gang rape as you describe it at the top of the
- 19 article. The poor freshman girl, Jackie, just starting her
- 20 college career, wooed by a high status junior, as you describe
- 21 it, and then just raped and raped for three hours by this group
- 22 of guys. Would you describe some of what you documented for
- 23 people who didn't read the article?
- 24 Sabrina Rubin Erdely: Sure. The article begins with a freshman
- 25 named Jackie who, she was four weeks into her freshman year, she

- 1 was having the time of her life at University of Virginia, and
- 2 she had been asked out on a date by this handsome junior, who
- 3 took her to a fraternity party, and while at this party, he took
- 4 her upstairs to a bedroom where she said it was pitch black
- 5 inside, and there were seven men waiting inside who then, for
- 6 the next three hours, took turns raping her while her date and
- 7 another man stood by giving the men encouragement and
- 8 instruction.
- 9 Brian Lehrer: I mean, this is not your vague circumstances date
- 10 rape, which is getting most of the attention these days. This
- 11 is like a thuggish street gang attack. So did you tell this
- 12 story as a shocking outlier, as a way to shame UVA in
- 13 particular, or just tell a horrific extreme story, or as an
- 14 example of something that you think is a larger problem on
- 15 campuses across the country?
- 16 Sabrina Rubin Erdely: Well, the reason why her story really
- 17 stood out is obviously because it was so extreme, but the reason
- 18 why I used it was because her story, what really shocked me
- 19 about her story was that her story was treated by her peers and
- 20 by the administration much like stories of, let's call them
- 21 "typical" sort or rape allegations, that they were treated, she
- 22 was kind of brushed off by her friends and by the
- 23 administration. When she told her friends about it, they either
- 24 didn't believe her, or they downplayed the situation, they
- 25 encouraged her not to report it, because they said that it would

- 1 kill her reputation on campus, and eventually, when she did
- 2 report it to the administration, the administration did nothing
- 3 about, they did nothing with the information. And they even
- 4 continued to do nothing even when she eventually told them that
- 5 she had become aware of two other women who were also gang raped
- 6 at the same fraternity. So the idea that
- 7 [00:05:00]
- 8 even in a case that was so extreme as Jackie's, that there would
- 9 be this level of indifference, it really opened up a window into
- 10 what was really happening on campus with regard to rape cases in
- 11 general.
- 12 Brian Lehrer: So if there are any college students listening
- 13 right now, call up and talk about how much rape, date rape or
- 14 other kinds, you think there is on your campus, how seriously
- 15 your school takes it. Conversely, you can talk about the kind
- of new generation of anti-rape rules, which we'll get into with
- 17 Jed Rubenfeld in a minute, which he thinks are, in some cases,
- 18 wrong-headed and may exacerbate the problem in the name of
- 19 trying to fix it, but college students, first priority, anyone
- 20 else campus associated, any parents, anyone else at all, (212)
- 21 433-WNYC, (212)433-9692. Certainly anyone who's read the
- 22 Rolling Stone article by our guest, which has been going quite
- 23 viral online, on campus, and around the country in general,
- 24 (212)433-9692. Let's have some of this discussion. So Sabrina,
- 25 the UVA president has apparently reacted to your article by

Page 6 suspending all fraternity activity until January. Is that the 1 2 official response you were hoping for? Sabrina Rubin Erdely: I had no expectations as to what was 3 going to happen. I mean, really, I wasn't expecting it to be 4 5 this widely read. But I think that it's a first, it's a good first step. I think that people are reacting to it differently, 6 7 the shutting down of the fraternities for a short time, some people are mistaking it as a slap on the wrist. Other people 8 9 are kind of celebrating that this is the end of fraternity culture at University of Virginia. I don't think that either is 10 11 correct. I think that this is just them hitting the pause 12 button appropriately so they can hopefully take some thoughtful steps about what to do next, because I do expect some dramatic 13 changes in the future, but I think it's really important that 14 15 those changes be thoughtful and not just something that is swift 16 and symbolic. 17 Brian Lehrer: What dramatic changes, as you put it, do you 18 expect? 19 Sabrina Rubin Erdely: Well, that's hard to say. I mean, this 20 is an administration that has a lot of problems, and I should 21 say that this is not uncommon to, this is actually very typical 22 of many colleges, the kinds of things that they have on their 23 plate to fix right now. They have a situation where, it seems

to me, fraternities are basically calling the shots at this

university, where sexual assault is rampant, where sexual

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Page 7 assault survivors are afraid to come forward, where those few 1 people who do come forward to the administration seem to be 2 3 discouraged from moving their cases forward or from reporting to police, and finally, where perpetrators are very rarely ever 4 punished. So those are a lot of different areas that need to be 5 6 addressed. 7 Brian Lehrer: And before we bring in Jed Rubenfeld, how much do you think frat culture, rather than UVA culture, rather than 8 9 alcohol culture, whatever other piece you want to separate out, 10 is at the root of campus rape there, and the ignoring of campus 11 rape there? 12 Sabrina Rubin Erdely: I mean, fraternity culture certainly 13 contributes to the problem of sexual assault, and in the article, I talk a lot about party culture and how that culture 14 15 can really set the backdrop for sexual assault, and much of the 16 partying at UVA happens at fraternities, which is the case at a 17 lot of schools. Fraternities have become, for some reason, a 18 place where there's a lot of misogyny and a lot of really bad 19 behavior towards women tends to be tolerated as normal, and that 20 has real world impact on their behavior. There are studies that 21 show that fraternity men are three times more likely to commit 22 sexual assault than non-affiliated men. So this is a big 23 I don't know that shutting down fraternities is 24 necessarily the answer, though. I mean, my hope is that

fraternities are going to embrace this as an opportunity to turn

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- 1 things around, because I don't think that fraternities have to
- 2 be places that are drenched in misogyny and rape tolerance. I
- 3 mean, I'd like to think that that's not an essential part of the
- 4 fraternity identity. If I'm wrong, then they should be shut
- 5 down. If degrading women is a key part of their culture, then
- 6 they've got to go, but I suspect that that doesn't have to be
- 7 happening, that they don't need to be places that foster
- 8 misogyny.
- 9 Brian Lehrer: When did your article come out?
- 10 Sabrina Rubin Erdely: It came out online on Wednesday. I think
- 11 it came to newsstands, I don't know, yesterday.
- 12 Brian Lehrer: Really? So this week. So this is a pretty quick
- 13 firestorm that your piece has caused, and pretty quick reaction.
- 14 So Jed Rubenfeld, Yale law professor, your opinion piece in the
- 15 New York Times,
- 16 [00:10:00]
- 17 "Mishandling Rape," came out on the 15th, I see, so before the
- 18 Rolling Stone article. Have you read Sabrina's piece yet?
- 19 Jed Rubenstein: No, I haven't. Of course, I've heard and read
- 20 about the terrible, awful rape that was described in the story.
- 21 Brian Lehrer: And you portray a campus based system of rape
- 22 enforcement that winds up both in too many rapists going
- 23 unpunished and too many innocent men being found guilty of
- 24 sexual assault in campus proceedings. How can both be true?
- 25 Jed Rubenstein: Well, let's start with the fundamental problem,

Page 9 which is the appalling numbers of sexual assaults, of rapes 1 happening on college campuses. So about 3 to 4 out of 100 2 college women say that they are actually raped in the kind of 3 way that is being described in the Rolling Stone piece. 4 5 to say, what you are describing as the outlier case, forcible rape. A total of about 10 out of 100, that's 10%, say that they 6 7 were raped altogether. That includes people having sex with 8 them when they're incapacitated by alcohol or other drugs. 9 is a heinous, staggering number, 10%, and we are failing the victims of college rape. Here's what's happening. 10 11 never go to jail, almost never. Why is that? Well, in part, 12 for very good reasons, the victims of sexual assault do not 13 report to the police. They know that the arrest rates are low, 14 they're afraid they won't be believed, they're afraid that 15 they'll be mistreated, so fewer than 5% of female rape victims 16 from college ever report to the police, and that's in contrast to the nationwide number, where it's more like 35% report to the 17 police. So we have a terrible problem of the criminal justice 18 19 system failing the victims, female victims especially of college 20 assault, and what are we doing about that? Well, since 2011, 21 the federal government has been insisting that universities 22 prosecute and adjudicate these cases, and that's just not the 23 answer. Colleges are not competent to handle these cases. They 24 are making mistakes. They dismiss rape charges when they 25 shouldn't, and probably, they're finding some people quilty when

- 1 there was no assault. You're getting the worst of all worlds.
- 2 Brian Lehrer: Therefore, Jed, more should be referred out to
- 3 law enforcement when there are charges?
- 4 Jed Rubenstein: We've got to find a way to bring law
- 5 enforcement into this. What's happening is, look, there's
- 6 research that indicates that over 90% of campus rapes are
- 7 committed by fewer than 4% of college men. So what we have is a
- 8 problem of serial rapists who get away with it and don't get
- 9 punished and don't go to jail. And if just a couple, these guys
- 10 are doing what they're doing, if all that happened just as
- 11 described in Virginia, they're doing what they're doing with
- 12 impunity. They know that people don't go to jail for this. If
- 13 we can send a few of these guys to jail, this will have an
- 14 enormous effect, because right now, we're not deterring
- 15 anything. And the other half of the problem is alcohol.
- 16 There's tons of evidence that rapes on college campuses involve
- 17 alcohol, and what's happened is, you know, we've done
- 18 prohibition. We say college kids can't drink until they're 21.
- 19 Well, of course, that just drives it underground. That just
- 20 creates this party scene where alcohol, and to some extent,
- 21 other drugs are available and drawing people to parties that are
- 22 controlled by men, male-controlled, male-dominated spaces, and
- 23 that, sad to say, is a recipe for sexual predation. Not long
- 24 ago, when alcohol could still be sold and consumed by people 18
- on college campus, there were grown ups and security personnel

- 1 at large parties who could supervise and monitor. Well, right
- 2 now, the adults can't be there, because you're not supposed to
- 3 be aware that anybody's drinking. So we have this really
- 4 foolish system where the schools are turning a blind eye to the
- 5 alcohol party scene at frats and other all male clubs, and that
- 6 is just another incredibly foolish thing. In other words,
- 7 colleges should focus on prevention. They should do that by,
- 8 they should not be so foolish about their alcohol regulations,
- 9 they should not be focusing on adjudication, which they don't do
- 10 well. In fact, they make mistakes all the time, and here's the
- 11 real problem: if the college gets it right, and if the college,
- 12 let's say, expels these guys at Virginia, that is not a
- 13 punishment that's sufficient to the crime. Even if they got
- 14 expelled, that leaves them free, that leaves them at large, that
- 15 leaves them able to commit rapes elsewhere.
- 16 [00:15:00]
- 17 That is not the way to deter a crime.
- 18 Brian Lehrer: Jed Rubenfeld, Yale law professor who wrote the
- 19 opinion piece you may have seen in the New York Times Sunday
- 20 Review last week, "Mishandling Rape." Sabrina Erdley from
- 21 Rolling Stone Magazine, who wrote that piece that's being so
- 22 widely shared in the last few days about rape and the ignoring
- 23 of rape at the University of Virginia, which has now almost
- 24 instantly resulted in the suspension of all fraternity activity
- 25 there until after Christmas Break, and our board is full of your

- 1 phone calls. Let's hear from a few people. Sophie in
- 2 Poughkeepsie, you're on WNYC. Hi, Sophie.
- 3 Sophie: Hi. I'm a freshman at Vassar College in Poughkeepsie,
- 4 New York, and I was wondering, coming from a campus that does
- 5 not have Greek life and is not particularly charged with as much
- 6 [INDISCERNIBLE] men attitude that comes with fraternities, as to
- 7 why we think these rapes and allegations of sexual assault are
- 8 not reported to the police as an emergency call, but rather
- 9 reported to administration? I mean, this is not something,
- 10 being caught drinking in your room or smoking in your room.
- 11 This is rape and sexual assault is a very serious crime. And so
- 12 I was wondering as to why this not reported directly to the
- 13 police.
- 14 Brian Lehrer: I'd be curious to hear both your answers to that.
- Sabrina, based on your reporting, can you answer that question?
- 16 Sabrina Rubin Erdely: Yes, I think there are actually two
- 17 dimensions to this. One is the way that rape has come to be
- 18 perceived, which, this is kind of a surprising aspect of my
- 19 reporting, is that even though we talk about rape as,
- 20 everybody's anti-rape, everybody talks about it being a very
- 21 violent crime, but when faced with an actual rape, an actual
- 22 rape victim, the general public doesn't tend to see it as the
- 23 serious violent crime that it is. We prefer to see it as some
- 24 kind of error in judgment, you know, a muddy social faux-pas,
- 25 and not like a serious crime, and rape victims themselves,

- 1 because they're in a certain level of denial that something
- 2 terrible just happened to them, nobody wants to see themselves
- 3 victimized like that, they will often try to convince themselves
- 4 that maybe this was not a serious crime that was perpetrated
- 5 upon them, and I think that has a lot to do with the fact that
- 6 we are, in the general public, tend to discuss it in this, frame
- 7 it in those terms. So there is often a delay in calling police,
- 8 because we're just not framing it in terms of seeing it as a
- 9 violent crime. But the other dimension to it is that, just as
- 10 Jed had said earlier, is that police don't have a great track
- 11 record in terms of pursuing rape reports. I mean, this is kind
- 12 of the sad reality here, is that in an ideal world, a rape
- 13 victim would call police, and they would pursue it, and then the
- 14 prosecutor would prosecute it, and the rapist would go to jail.
- 15 But in reality, these tend to be very complicated cases that
- 16 require a certain level of expertise. These are cases that
- 17 generally, there aren't witnesses, there's generally alcohol
- 18 involved, and somewhere along the line, law enforcement very
- 19 often says, we just don't want to deal with this. So I think
- 20 that better training is going to be necessary in order to, so
- 21 that rape victims feel like they're in good hands when they go
- 22 to report to law enforcement.
- 23 Brian Lehrer: Jed, as a legal expert, and as a faculty member
- 24 on a campus, what would you add?
- 25 Jed Rubenstein: Well, two things. It is scary for a victim to

- 1 go by herself down to the police station. She would have to
- 2 give her own name, lose confidentiality, she might be treated
- 3 suspiciously by the police. It will be scary and lonely for her
- 4 to go to the hospital to get the rape kid processed. Women
- 5 victims need first of all, we need a retraining of the police,
- 6 and I'm in touch with police departments in college towns, and
- 7 they know it. We need to retrain the police so that they are
- 8 more receptive and treat these claims respectively, but what I
- 9 propose in my piece is that college should be sending a lawyer
- 10 down with that victim down to the police station to encourage
- 11 her to go down and to make sure her rights are respected, to
- 12 make sure she's treated appropriately, to make sure that police
- 13 handle the claim correctly, and then they should send a
- 14 counselor with her to the hospital to get that rape kit. We
- 15 need to encourage more victims to report. The second piece of
- 16 it is, perversely paradoxically, the new college sexual assault
- 17 procedures offer women and men, victims of sexual assault, a
- 18 better alternative right now. They keep confidentiality, they
- 19 get a lower standard of proof, they are treated more
- 20 respectfully, as of course they should be, and so the vast
- 21 majority of college sexual assault victims now choose to report
- 22 to their university,
- 23 [00:20:00]
- 24 not the police. Exactly the wrong result, because colleges
- 25 cannot handle the claims, and their punishments are not

- 1 sufficient to deter anybody.
- 2 Brian Lehrer: Tom in Hillsboro, you're on WNYC. Hello.
- 3 Tom: Yeah, hi. I've been listening to this discussion with
- 4 some interest. Just very briefly, by background, I was a
- 5 prosecutor, and I'm now a criminal defense attorney. I disagree
- 6 fundamentally with many of the premises that are being floated
- 7 here. Very specifically, not mentioned by your people, is that
- 8 a lot of allegations of sexual assault to begin with are
- 9 fraudulent and not accurate. That has been proven demonstrably.
- 10 That's number one. Number two, the general attitude that's
- 11 being fronted here is that whenever somebody makes a complaint,
- 12 that it therefore must be true. There's no disagreement by me
- 13 that the colleges are not set up to adjudicate these type of
- 14 allegations. The attitude of both of your people, the law
- 15 professor and this reporter, about how police and district
- 16 attorney's offices treat rape allegations, in my experience, is
- 17 completely wrong, so I think you're really sort of doing a
- 18 disservice by misrepresenting what actually occurs by
- 19 exaggerating a problem that probably does exist but is being
- 20 used for different purposes. I mean, that's sort of my general
- 21 comments.
- 22 Brian Lehrer: When you say used for different purposes, what
- 23 are you accusing who of?
- 24 Tom: Well, more specifically, for example, there's a woman at
- 25 Columbia University who, where I actually went to school, who

- 1 apparently is walking around campus with a mattress as a form of
- 2 protest of the way her claim was adjudicated within the school
- 3 system. My understanding of the facts, based on the article in
- 4 the New York Times was that she had consensual sex with someone,
- 5 and the issue was that she did not consent to anal sex, but she
- 6 did consent to traditional sex. That type of case, in my
- 7 opinion, is not something that anybody could really ever
- 8 successfully prove. Meanwhile
- 9 Brian Lehrer: But let me stop you for a second and ask if the
- 10 main distinction that our guests, particularly Jed Rubenfeld,
- 11 Yale law professor, is getting at, is that the actual criminal
- 12 justice system, rather than campus authorities, are better
- 13 prepared to handle these allegations? Why wouldn't that be true?
- 14 Tom: No, that is true.
- 15 Brian Lehrer: for false allegations as well as true
- 16 allegations?
- 17 Tom: It is 100% true. All these claims should be set up in a
- 18 way through these colleges that have resources, and every
- 19 college does, to adjudicate the claims correctly and assist the
- 20 victims. They're not set up now to do that, they're
- 21 transitioning to do that, so I don't disagree with that, but
- 22 what I do disagree with is this kind of hysteria that seems to
- 23 be developing about these issues. I cited to your call screener
- 24 an example of a case I know of from a college I attended where a
- 25 victim, alleged victim, showed up over a year later claiming

- 1 that she now remembered that she had been raped by someone who
- 2 was an alleged friend. I mean, that case just doesn't have any
- 3 merit.
- 4 Brian Lehrer: Tom, thank you for your call. Jed Rubenfeld,
- 5 what are you thinking, listening to Tom?
- 6 Jed Rubenstein: Well, I mean
- 7 Brian Lehrer: Some cases are going to, I'm not even exactly
- 8 sure of his point, because yes, some cases
- 9 Sabrina Rubin Erdely: Actually, could, do you mind if I
- 10 Brian Lehrer: Oh, Sabrina, please.
- 11 Sabrina Rubin Erdely: I mean, I'd like to say, I mean, he's
- 12 trying to I believe that one thing he's trying to say is that
- 13 many of these reports are false, but I'd like to say that that
- 14 is actually categorically not true. There's been research on
- 15 this that shows that somewhere between 2 and 8% of rape reports
- 16 are either false, or what they call "unfounded," meaning that,
- 17 let's say, 92% of them are actually true. So there's this myth
- 18 that, you know, all these people are coming forward with these
- 19 false allegations, but nothing could be further from the truth.
- 20 These are actually, these are genuine, and I think that this is
- 21 one of these rape myths that actually tend to keep victims from
- 22 not reporting, because they think that they're not going to be
- 23 believed, and that has historically been the case. I think
- 24 what's different in this cultural moment than ever before is
- 25 that for the very first time, rape victims are being believed,

- and that's why we're seeing so much discussion about rape in the
- 2 military, rape on college campuses, Bill Cosby, it's all coming
- 3 together right now, because for the first time, we're allowing
- 4 ourselves to have a general discussion in which we're giving
- 5 rape victims some credibility.
- 6 Brian Lehrer: Claire in Brooklyn, you're on WNYC. Hi, Claire.
- 7 Claire: Hi. Thank you so much for taking my call. I am a,
- 8 well I just graduated from Columbia with my masters, and I
- 9 graduated from Georgetown in 2013, and I have more of a comment
- 10 than a question, but Georgetown doesn't have fraternities, but
- 11 it is a pretty privileged place, I would say, and we have quite
- 12 frequent contacts with UVA, and
- 13 [00:25:00]
- 14 I kind of wanted to say that, I think while fraternities are
- 15 maybe a good thing to focus on and a lot of these rules, it
- 16 seems like there's more environments of privilege and
- 17 superiority and lack of transparency generally are the problem.
- 18 I went to also elite boarding school. Most of my family and
- 19 many of my friends did as well, and someone who's really, really
- 20 close to me was actually raped in a very similar situation to
- 21 what the Rolling Stone article describes, but at the age of 14,
- 22 and at another boarding school, and she didn't report the
- 23 situation for many of the same reasons that Jackie in the
- 24 article didn't report, and I'm assuming all of those men went
- 25 off to elite colleges as well, and many of them would have had

- 1 the choice to join fraternities, so I just wanted to sort of get
- 2 comments on sort of cultures that are similar to fraternities
- 3 and how to sort of prevent that sort of environment from
- 4 developing in the first place.
- 5 Brian Lehrer: Yeah, it's well stated and a great question. If
- 6 this can happen, and we're almost out of time, but Sabrina, if
- 7 this can happen at Georgetown, which doesn't even have
- 8 fraternities, she says, just as it could happen at UVA, is there
- 9 some common culture element that needs to be the focus here,
- 10 rather than fraternities per se?
- 11 Sabrina Rubin Erdely: I think she raises a great point. I
- 12 think that entitlement and narcissism play huge roles in sexual
- 13 assault, people taking something, feeling entitled to take
- 14 something that is not theirs, and fraternities have not cornered
- 15 the market on that, on entitlement and on narcissism. So I
- 16 think that any culture that holds itself as elite is perhaps
- 17 prone to this kind of thing, but it's worth saying that, even
- 18 though I drilled down on University of Virginia, and that's what
- 19 I focused on, part of the reason why I focused on it is because
- 20 I felt that it was a culture that was representative of what's
- 21 going on at a lot of places across the country, so I really
- 22 can't emphasize this enough, I was not saying that this is only
- 23 happening at University of Virginia. Just the opposite. I'm
- 24 saying that what's probably happening at University of Virginia
- 25 is really what's happening everywhere.

- 1 Brian Lehrer: Jed, a last thought from you? Because in your
- 2 article, you do recommend ways to go forward more productively
- 3 to deal with the problem. What's at the heart of it?
- 4 Jed Rubenstein: Well, I think we should walk back a little bit.
- 5 I do not believe, myself, that the problem is correctly
- 6 described as, we have a "rape culture" in America or on college
- 7 campuses. Again, the research suggests that over 90% of rapes
- 8 are committed by 4% or fewer of college men. What we have is a
- 9 problem of a relatively small number of rapists, serial rapists,
- 10 we need to do something about them
- 11 Brian Lehrer: Overrepresented in fraternities? If you know
- 12 those stats, Jed.
- 13 Jed Rubenstein: We do have stats that indicate that men in
- 14 fraternities are more likely to commit sexual assault, and that
- 15 victims who go to fraternity parties are more likely to be
- 16 assaulted, but what we need to do is focus our attention on
- 17 deterring and stopping those, that small number of rapists from
- 18 committing rapes in the future, not thinking that what we have
- 19 is a general elite male rape culture so that the entire, we're
- 20 sort of damning the whole culture and not focusing on the real
- 21 problem, which is to punish and deter and stop those that are
- 22 committing these rapes.
- 23 Brian Lehrer: More punishment of those caught.
- 24 Jed Rubenstein: More deterrents and more prevention by
- 25 universities, just, we have to get inside, we have to break the

Page 21 link between all male clubs, like fraternities, alcohol, and the 1 party scene at these colleges. That's not impossible to do, and 2 3 we have to do it. 4 Brian Lehrer: Jed Rubenfeld, Yale law professor, who had an 5 opinion piece in the New York Times last week called Mishandling Rape, he's also co-author of the book "The Triple Package: How 6 7 Three Unlikely Traits Explain the Rise and Fall of Cultural Groups in America," and Sabrina Rubin Erdely who wrote the 8 9 Rolling Stone article on rape at the University of Virginia, 10 which has gone so viral and resulted in just a matter of days in 11 the UVA President suspending all fraternity activity until after 12 Christmas Break. Thank you both very much for coming on with us 13 today. 14 Jed Rubenstein: Thank you. 15 Sabrina Rubin Erdely: Thank you. 16 Brian Lehrer: Brian Lehrer on WNYC. Coming up next, the 17 thousands of New Yorker who took to the streets last night 18 weren't just protesting the death of Michael Brown. talk with Brooklyn Borough president and former Police Officer 19 20 Eric Adams about the fatal police shooting here in New York last 21 of Akai Gurley in a public housing stairwell. We will also get 22 Eric Adams take on Ferguson. Stay with us. 23

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City of New York, State of New York, County of New York

I, Anders Nelson, hereby certify that the document "Mishandling Campus Rape" is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

Anders Nelson Project Manager

Sworn to before me this

April 27, 2015

Signature Novem Dublic

Natary Public, State of New York No. 01CO6183818

Qualified in Queens County
unificion Expires March 31, 2015

Stamp, Notary Public